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## Non-governmental organisations in the modern cultural order of Gdynia – a problem outline

Summary: The formation of democratic state institutions after the transformation of the political system in 1989-1990 enabled the “reconstruction” of the structures of a self-organised and self-acting society. The developing image of a civic society should rest on the creation of social institutions, on practical realisation of ethical values and on participation of the greatest possible number of people in public life. One of the forms of such self-organisation are non-governmental organisations also called the third sector. This term refers to organisations located between public administration (first sector) and the “market” – entities oriented towards profit-making (second sector, so called private sector). The city of Gdynia is one of the pioneers among local government bodies to start and develop cooperation with non-governmental organisations. Gdynia was the first township in Poland to legislate the “Programme for Cooperation with Non-Governmental Organisations” as an act of local law in 1995.

Keywords: associations, non-governmental organisations, non-profit organisations, organisations in Gdynia, third sector.

The formation of democratic state institutions after the transformation of political system in 1989-1990 enabled the “reconstruction” of structures of a self-organised and self-acting society. The developing image of a civic society should rest on the creation of social institutions, on practical realisation of ethical values and on participation of greatest number of people possible in public life<sup>1</sup>. One of the forms of such self-organisation are non-governmental organisations also called the third sector. This term refers to organisations located between public administration (first sector) and the “market” – entities oriented towards profit-making (second sector, so called private sector). The internationally utilised term “*non-governmental organisations*” (NGOs) originates from the English language. In the case of Polish language determinants: social, civic, voluntary, non-commercial organisations are used interchangeably<sup>2</sup>.

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<sup>1</sup> J. Blicharz, *Udział polskich organizacji pozarządowych w wykonywaniu zadań administracji publicznej*, Wrocław 2005, p. 11.

<sup>2</sup> See M. Arciszewska, *Nie tylko jedna ustawa. Prawo o organizacjach pozarządowych*, Warszawa 2005, p. 7; J. Blicharz, *op. cit.*, p. 71.

These organisations are characterised by their independence from state structures (they are “non-governmental” – it is not among their aims to gain political power), economic structures, local self-government. They have a formal organisation structure, act for the common good and social solidarity without gaining material profits for members of the organisation. Their location “outside” of government administration does not negate their cooperation with public administration. Hence their activity aimed at realisation of public benefit objectives.

It has to be remarked that Polish traditions of non-governmental organisations’ activity lead back to the Middle Ages. Founded in eleventh, twelfth centuries, numerous movements, religious fraternities, charitable foundations tended to beneficence operations and bridged the existing gap in the sphere of human self-organisation by aiming to provide reciprocal aid (illness and poverty care, foundation of hospitals)<sup>3</sup>. In subsequent centuries operations within the realm of social care were intercepted by religious philanthropy institutions (e.g. Fraternity of St. Lazarus after 1592, Archconfraternity of Mercy, university foundations – Zamoyska Academy), which combined charitable goals with educational-pedagogical ones. During the foreign occupation era of Partitioned Poland charitable organisations undertook activities benefiting the amelioration of education level of Polish populace, the economic development of the “lands”, they invested in the development of Polish culture and art, i.a. libraries were established, scholarships for students of moderate means were founded, the youth was educated in given specialisations.

During the inter-war Second Republic of Poland existing foundations and associations were of supplementary character to the operations of state administration with regard to provision of services within the scope of social care, health care and education, numerous self-help associations were developing (e.g. Association for Crèche Patronage, Association “Brotherly Help”). The then valid legal regulations on the status of charitable organisations enabled various citizen initiatives to function. Characteristic for the inter-war period was strong activity and social commitment to help operations, e.g. 20% of institutions providing confined care for adults were run by charitable foundations, approx. 50% of institutions providing general care for children were run by care associations<sup>4</sup>.

Political change after World War II stalled the development of help associations. Seizing of control over their activity by the state caused loss of autonomy due to forced realisation of state goals, they were deprived of their assets in form of real property and equipment<sup>5</sup>. Nevertheless the policy of authorities in

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<sup>3</sup> J. Blicharz, *op. cit.*, p. 11.

<sup>4</sup> E. Leś, *Od filantropii do pomocniczości. Studium porównawcze rozwoju i działalności organizacji społecznych*, Warszawa 2000, p. 89.

<sup>5</sup> By the decree from 24 April 1952 *On Abolition of Foundations* (as published in the Polish Journal of Laws “Dziennik Ustaw” 1952, No. 25, Item 172) foundations existing within Polish borders were closed down. Their assets were transferred to state property.

that time, characterised by the encouragement of mass participation of citizens in deciding of public matters<sup>6</sup>, enabled a numeric development of associations<sup>7</sup>. They became responsible for realisation of a steadily growing number of tasks delegated by the state administration.

Changes regarding the principles of state organisation occurring after 1989 contributed to the reconstruction of Polish sector of social self-organisation. This sector was attributed with a potential to activate public life, to realise tasks from the realm of the broadly comprehended social care more effectively. The valid (until the day of enactment of a new “non-governmental organisations” law in 2004) legal provisions failed to regulate the functioning of entities from the sector of non-governmental organisations in a satisfactory manner<sup>8</sup>. Additionally, the powers legislating the political system were under obligation to introduce legal norms regarding the activities of non-governmental organisations, ensuing from the constitutional subsidiarity principle and required due to the vagueness of some provisions, e.g. introduction of category “non-governmental organisations” into the content of the amendment of municipal self-government act without a precise definition of this term or of the relations between these organisations on one side and administration of central and local governments on the other<sup>9</sup>.

Legal regulation for non-governmental organisations was provided on 24 April 2003 as the Polish Sejm legislated two significant acts of law: Common Good and Volunteer Work Act<sup>10</sup> and the law – Implementation provisions for the Common Good and Volunteer Work Act<sup>11</sup>. In this act non-governmental organisation was defined (Art. 3, Sec. 2) as a corporate body or an organisation without a legal status, yet established on the basis of provisions of the act, provided it fulfils following two conditions: is not a unit within the public finance sector, and is not geared towards acquiring profit (non-profit).

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<sup>6</sup> Constitution from 22 July 1952, Article 9: “All institutions of power and state administration rest in their activity on the conscious, active cooperation of vast masses of people...”

<sup>7</sup> Law from 7 April 1989 *Associations Act*, Polish Journal of Laws “Dziennik Ustaw” 1989, No. 20, Item 104.

<sup>8</sup> Among the valid regulations were: Law from 6 April 1984 *On Foundations*, Polish Journal of Laws “Dziennik Ustaw” 1984, No. 46, Item 203 including subsequent amendments; Law from 7 April 1989 *Associations Act*, Polish Journal of Laws “Dziennik Ustaw” 1989, No. 20, Item 104 including subsequent amendments.

<sup>9</sup> Law from 8 March 1990 on municipal self-government, amendment from 10 April 2001, Polish Journal of Laws “Dziennik Ustaw” 2001, No. 142, Item 1591.

<sup>10</sup> Law from 24 April 2003 *Common Good and Volunteer Work Act*, Polish Journal of Laws “Dziennik Ustaw” 2003, No. 96, Item 873.

<sup>11</sup> Law from 24 April 2003 *Implementation provisions for the Common Good and Volunteer Work Act*, Polish Journal of Laws “Dziennik Ustaw” 2003, No. 96, Item 874. It is to be added that the provisions of both laws were enacted on 29 June 2003. Provisions regarding the acquirement of common good organisation status and the undertaking of common good operations were enacted on 1 August 2004. H. Izdebski, *Ustawa o działalności pożytku publicznego i wolontariacie. Komentarz*, Biblioteka Pożytku Publicznego, Warszawa 2003, p. 2.

At the same time the legislative body introduced the new legal category of “common good work”, which is designed to direct the activity of non-governmental organisations towards provision of services to communities. Common good work can be conducted by (Art. 3, Sec. 3, No. 1 and 2) corporate bodies and organisation units acting on the basis of regulations concerning relations between the State and Catholic Church in the Republic of Poland, relations between the State and other churches and confessional institutions and guarantees of freedom of conscience and religion, if their statutory goals include conduct of work for the common good, plus associations of local government bodies, yet excluding political parties (and foundations established by political parties), trade unions and employer organisations, professional/trade self-governing bodies, foundations in which the Treasury or local government body is the only benefactor, sporting clubs in form of companies acting on the basis of separate regulations (Art. 3, Sec. 4). Exclusion does not apply to organisations which acquired the status of common good organisations on the basis of separate regulations, foundations whose assets are not wholly public or communal property or property originating from financing by public means according to the notion of public finance law, and foundations conducting statutory activity for the benefit of science.

Based on this record the status of activity towards common good can be awarded to a non-governmental organisation, a church organisation and confessional institution, and an association of local government bodies under the condition of registration in the Polish National Court Register (*Krajowy Rejestr Sądowy*)<sup>12</sup>.

The most numerous group among non-governmental organisations are the associations<sup>13</sup> and their respective types functioning on the basis of separate regulations, e.g. voluntary fire squads.

The idea behind the establishment of non-governmental organisations was connected to their potential to realise several assignments from the realm of public tasks and to increase their economic efficiency. These organisations can play a significant role by relieving and complementing the activities of central and local administrations. The cooperation between public administration organs and non-governmental organisations can consist of realisation of public tasks, reciprocal information about envisioned courses of action and cooperation aimed at harmonisation of these plans, consulting of legal act projects concerning the fields of the organisations’ statutory activity, and also formation of joint teams acting as advisory or initiative groups (Art. 5). This cooperation is based on principles of: subsidiarity, sovereignty of parties, partnership, effectiveness, fair competition and openness (Art. 5, Sec. 2).

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<sup>12</sup> Law from 20 August 1997 *National Court Register Act*, consolidated text: Polish Journal of Laws “*Dziennik Ustaw*” 2001, No. 17, Item 209 including subsequent amendments.

<sup>13</sup> Based on data from the Polish Ministry of Justice over 45,000 associations exist in Poland (data as of 24 October 2005). There are 5,638 organisations of common good fulfilling the registration criteria (data as of 14 December 2007). [www.opp.mss.gov.pl](http://www.opp.mss.gov.pl) (Date of access: 14 December 2007).

Vital importance for operation of non-governmental organisations is accredited to the ability to initiate designing of regulation and to participate in that process, rather than just act in the execution of tasks.

The city of Gdynia is one of the pioneers among local government bodies to start and develop cooperation with non-governmental organisations. Gdynia was the first township in Poland to legislate the "Programme for Cooperation with Non-Governmental Organisations" as an act of local law in 1995. In the preamble to the Programme it was stated that "the priority for the authorities of Gdynia is to serve residents in the most effective manner possible. We know that an active policy geared towards cooperation with civic organisations is one of the elements of effective town management". This conviction was reflected in the document "Strategy for development of Gdynia", where among declared overriding goals is "strengthening of citizen activity. This goal encompasses activities aimed at stimulation of local non-governmental organisations in the life of the city and creation of partnership relations with economic and social institutions operating in the city space of Gdynia"<sup>14</sup>.

Realisation of the Strategy's provisions commenced with the foundation of Gdynia Non-Governmental Organisations Centre (Gdyńskie Centrum Organizacji Pozarządowych, GCOP), an institution responsible for cooperation between non-governmental organisations and local authorities. This Centre was founded on 28 March 1996<sup>15</sup> and constitutes an integral element of the Gdynia Mayor Bureau. The GCOP works in cooperation with the Gdynia Mayor's representative for non-governmental organisations and also with the consultative commission<sup>16</sup>. One of the major tasks of the Centre is to grant organisational and substantive support to entities conducting common good work and to persons interested in the activity of the third sector.

In the headquarters of the Gdynia Non-Governmental Organisations Centre (27/31 May 3<sup>rd</sup> Street in Gdynia) a computerised database on non-governmental organisations operating in the city is available along with potentially useful information for interested bodies. Qualified employees consult, organise specialised trainings for members of third sector organisations and for persons who intend to start a social activity. In addition to that following types of activity are conducted by the GCOP:

1. space is made available to organisations for meetings, campaigns, events. The city authorities granted 26 office accommodations and 20 other premises as independent headquarters to non-governmental organisations under preferential conditions; these are occupied by approx. 40 organisations. Other organisations "act" from the headquarters of the Centre, which allows them to reduce the cost of accommodation and encourages integration of members of different bodies;

<sup>14</sup> *Strategia rozwoju Gdyni*.

<sup>15</sup> Resolution of the Gdynia City Board No. 1451/96/II.

<sup>16</sup> *Dobre praktyki. Przykłady udanej współpracy samorządów z organizacjami pozarządowymi*, ed. S. Mandes, Warszawa 2004, p. 86.

2. the activity of organisations is supported by counselling, training, technical assistance. There exists a particularly a high demand for assistance by filling of applications, consultations regarding programmes for realisation of respective tasks and accounting, possibilities of extra-financing from EU funds. The employees of the Centre and of cooperating organisations conducted consultations regarding the establishment and registration of associations and foundations, redaction of statute contents and acquirement of the status of a common good organisation. Educational activities (trainings, courses, workshops), which enable to acquire professional knowledge in a specialised field, meet with great interest, e.g. in 2006 the training entitled “Opportunities to Acquire Public Funds Based on the Common Good and Volunteer Work Act” was continued<sup>17</sup>;
3. information is made available;
4. the “Programme for Cooperation with Non-Governmental Organisations” is handled.

There are approx. 800 non-governmental organisations of various activity profiles registered in Gdynia<sup>18</sup>. The city authorities devolved the realisation of tasks ordered in the course of following acts of law to them: Common Good and Volunteer Work Act, Education System Act, Social Assistance Act, Fire Prevention Act, Professional and Social Rehabilitation and Employment of Disabled Persons Act, plus in the course of Public Procurement Act. The execution of tasks was confided to organisations which prevailed in open competitions of offers for realisation of public tasks according to the Common Good and Volunteer Work Act. The scope of tasks to be realised by the organisations from the third sector was determined in Gdynia’s “Programme for Cooperation with Non-Governmental Organisations”.

In order to improve the effectiveness of task realisation many institutions and organisational units of the city administration devolved their realisation to non-governmental organisations. Among major “clients” were: Health Department, Culture, Recreation and Sports Department, Economic Policy and Real Property Department, Citizens’ Affairs Department, Education Department, Environment Protection and Agriculture Department, International Cooperation Department, Personnel and Training Department, Investment Department, IT Department, City Council Bureau, City Mayor Bureau, City Heritage Conservator, Independent Disabled Persons Department, plus

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<sup>17</sup> 156 participants representing 79 non-governmental organisations were involved in this training. GCOP, *Raport z działalności Gdynińskiego Centrum Organizacji Pozarządowych za 2006 r.*, Gdynia 2007, p. 5.

<sup>18</sup> It is not possible to establish the exact number of non-governmental organisations in Gdynia, as none of the institutions responsible for the organisation register keeps statistical records. The GCOP administers over numerical data, but it is incomplete. Reason for this is the absence of an obligation to register each non-governmental organisation in the so called data bank. The *Raport...* states that 854 organisations were registered, among which 154 updated their information.

budgetary units: Gdynia Sports and Recreation Centre, Gdynia Innovation Centre, City Social Assistance Centre and Senior Citizen Activity Centre<sup>19</sup>.

Tasks accepted for realisation encompassed i.a. activity for the benefit of disabled persons by means of their professional activation and self-help activity, popularisation of physical culture and sports by means of sports training for children and youth and event organisation, sporting competitions and games.

Within the framework of financial subsidisation of non-governmental organisations' activity Gdynia's authorities awarded financial means to the Polish Scouting Association (Związek Harcerstwa Polskiego) – Regiment Gdynia for the realisation of the “Total Readiness” project. The aim of this programme was to establish the professional Scout Rescue Group “ZAWISZA” trained to give first medical aid and to work within the city emergency system. This group's activity consisted of preparation for various operations by means of medical-rescue training, acquirement of specialised equipment, organisation of first aid presentations for residents and courses for the youth. Trained youth aged 10 to 19 participated in i.a. medical safeguarding at mass events (e.g. Parish Family Picnic, Flag Day, 5<sup>th</sup> Scout Sports Tournament).

An important public task confided to realisation by 11 non-governmental organisations on the basis of the Education System Act is the management of non-public educational institutions – schools and kindergartens. Currently operating in Gdynia are 4 kindergartens, 3 pre-primary play schools, 4 primary schools, 6 junior high schools, 3 secondary grammar schools and 2 other institutions: Addiction Prophylaxis Guidance Service and Rehabilitation-Education-Upbringing Centre<sup>20</sup>.

In addition to that, senior citizens have been included into a “specific” education system. Gdynia University of the Third Age was founded, an institution aiming to activate senior citizens socially.

The activity of Gdynia's non-governmental organisations in the field of culture deserves particular attention. The Culture Foundation Liberty prepared numerous cultural events within the framework of the project “Short Forms with Big Actors”. Theatre spectacles, music concerts, readings organised with participation of widely known artists were hugely popular with Gdynia residents. The Foundation POEMAT acquainted the audience with poetry in an innovative manner. The idea of this undertaking was to paint extracts from poems on flagstones at most frequented spots in the city and it met with great interest from the passing by audience. The association RAZEM, aimed in its activity at popularisation of the idea to discover local culture and at cooperation with youth from other European Union member countries, initiated the project entitled “The Spectacle “Legends and Testimonials of Gdynia” – Form of Engaging the Youth Into Creation of Local Culture”. Participants of this project were children and adolescents from a Polish school in Lithuania and from school institutions in Gdynia. The

<sup>19</sup> GCOP, *Raport...*, p. 1.

<sup>20</sup> *Ibid.*, p. 2.

common work of both groups of children and adolescents concluded with the preparation of a spectacle for the Summer Scene in Orłowo.

In the contemporary economic and social reality of Gdynia many activities are oriented towards persons who are homeless, unemployed, including long-term unemployment. The social security system guaranteed by the state is not sufficient or satisfactory for those interested in it. An attempt to solve this problem was undertaken by the non-governmental organisation in cooperation with the local government of Gdynia, by means of preparing and realising of specialised aid programmes.

The RAZEM association (being a partner of the City Social Assistance Centre – MOPS) conducted the programme “Gdynia Spinnaker”, which was aimed at professional activation of long-term unemployed single parents. The Aid Centre “Caritas” in Gdynia is, along with the Christian Charitable Association, author of the programme “Socially Useful Works”. Its aim was to “retrain” long-term unemployed persons in order for them to become active employment seekers. The realisation of the programme’s guidelines consisted of acquirement of occupational capabilities enabling to enter the labour market<sup>21</sup>.

Organisations from the non-governmental sector in Gdynia are characterised by their diversity. In the city there are organisations active that realise projects for the benefit of disabled, unemployed, homeless persons. These organisations contribute to the improvement of life quality, enrichment of educational, cultural and sports offer. The realisation of their programme guidelines engages local community – volunteers, employees of the organisations and of local government and city residents.

Based on the reports, accounts prepared by the respective non-governmental organisations and by institutions cooperating with them, the authorities of the city of Gdynia recognised the activity of residents and operations of the third sector as a value that is to be supported. The creation of an institutional infrastructure and the dialogue with non-governmental organisations is beneficial for both parties<sup>22</sup>.

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<sup>21</sup> *Ibid.*, p. 2-4.

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## Organizacje pozarządowe we współczesnym porządku kulturowym Gdyni – zarys problemu

### Streszczenie

Budowanie demokratycznych instytucji państwa po przemianach ustrojowych przełomu lat 1989 i 1990 umożliwiło „odtworzenie” struktur samoorganizacji i samodiałania społeczeństwa. Kształtujący się wizerunek społeczeństwa obywatelskiego powinien opierać się na tworzeniu społecznych instytucji i praktycznej realizacji wartości etycznych oraz uczestnictwie jak najszerzej rzeszy ludzi w życiu publicznym. Jedną z form takiej samoorganizacji są organizacje pozarządowe zwane trzecim sektorem. Terminem tym określa się organizacje znajdujące się między administracją publiczną (pierwszy sektor) a „rynkiem” – podmiotami nastawionymi na osiągnięcie zysku (drugi sektor, tzw. sektor prywatny). Miasto Gdynia należy do pionierów wśród samorządów nawiązujących i rozwijających współpracę z organizacjami pozarządowymi. Gdynia była pierwszym miastem w Polsce, które w 1995 r. uchwaliło „Program współpracy z organizacjami pozarządowymi”, będący aktem prawa lokalnego.

Słowa kluczowe: organizacje non-profit, organizacje pozarządowe, organizacje w Gdyni, stowarzyszenia, trzeci sektor, zrzeszenia.